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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,945	06/30/2003	Estella Xu	02525/BLL-0094	4131
36192 7590 05/22/2007 CANTOR COLBURN LLP - BELLSOUTH 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3691	
			MAIL DATE	DELIVERY MODE
			05/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/610,945

**Applicant(s)**

XU ET AL.

**Examiner**

Lalita M. Hamilton

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06302003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Dvorak (7,092,929).

Dvorak discloses a method for planning analysis comprising evaluating a forward-buy opportunity relating to a product set, initializing a user defined incremental forward buy quantity for each product in the product set; inputting a financial parameter relating to at least one of an inventory carrying cost or a discount rate, inputting a product parameter relating to at least one of a product demand, a product quantity, or a product price, calculating a return on investment for each product in the product set in response to the financial and product parameters, determining whether the calculated return on investment is equal to or greater than a defined value, in response to the calculated return on investment being equal to or greater than a defined value, identifying the product having the highest return on investment and recording a recommended buy quantity relating to that product, and incrementing the recommended buy quantity of the identified product and recalculating the return on investment for each

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product in the product set until each return on investment calculation is no longer equal to or greater than the defined value (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); calculating a return on investment for each product in the product set further comprises: calculating a net present value without a forward buy for each product in the product set, thereby defining a first value, calculating a net present value with a forward buy of an additional unit for each product in the product set, thereby defining a second value, calculating an investment cost of buying an additional unit for each product in the product set, thereby defining a third value, and calculating a return on investment as a function of the first, second and third values (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); the function of the first, second and third values comprises: subtracting the first value from the second value, and dividing the difference by the third value (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); calculating a probability of demand materialization in response to the purchase of an additional unit of each product within a defined time period; calculating a probability of no demand materialization in response to the purchase of an additional unit of each product within the defined time period; and wherein the net present value with a forward buy takes into consideration the probability of demand materialization (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); the defined time period comprises: a first future time period, a second future time period, and a third future time period, wherein the first, second and third future time periods are consecutive and equal in duration (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); product parameter includes a product availability limit, and further

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comprising: determining whether the return on investment calculation for the product exceeds an acceptable threshold value, determining whether the recommended buy quantity for the product exceeds the product availability limit for that product, and in response to the return on investment calculation exceeding an acceptable threshold value for the product and the recommended buy quantity having not exceeded the product availability limit, identifying the product having the highest return on investment and recording the recommended buy quantity relating to that product (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); inputting a financial parameter relating to a purchasing budget, determining whether a cost relating to the recommended buy quantity exceeds the purchasing budget, and in response to the cost exceeding the purchasing budget, concluding the forward-buy opportunity evaluation (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); the inventory carrying cost includes at least one of a capital cost, an inventory service cost, a storage cost, or an obsolescence risk cost; and the product parameter includes a statistical distribution of product demand (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); inputting a product parameter relating to a product trend; and filtering out from the product set those products having a product trend indicative of a declining demand, an unpredictable demand, or a demand below a defined threshold (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); comparing forward-buy purchasing across multiple products in a product set, initializing for each product a user defined incremental forward buy quantity, inputting financial and product information relating to each product of the product set, the product information including a statistical

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distribution of product demand, a current on hand balance, and a parameter relating to product trend, filtering out from the product set those products having an undesirable product trend, calculating for each product a probability of demand materialization in response to the statistical distribution of product demand, the current on hand balance, and a purchase of an additional unit of that product to increase the current on hand quantity, calculating a return on investment for each product in the product set, the calculation factoring in a cost relating to the probability of demand materialization, determining whether the return on investment is acceptable, in response to the return on investment being acceptable, identifying the product having the highest return on investment and recording the recommended buy quantity relating to that product; and incrementing the recommended buy quantity of the identified product and recalculating the return on investment for each product in the product set until each return on investment calculation is no longer acceptable (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); the financial information includes a purchasing budget and further comprising: determining whether a cost relating to the recommended buy quantity exceeds the purchasing budget; and in response to the cost exceeding the purchasing budget, concluding the iterative method (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38); and the product information includes a product availability limit, determining whether the highest return on investment for the product set is above a minimum threshold value, determining whether the recommended buy quantity for each product exceeds the product availability limit for that product, and in response to the return on investment calculation being above a minimum threshold

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value and the recommended buy quantity having not exceeded the product availability limit, identifying the product having the highest return on investment and recording the recommended buy quantity relating to that product (col.13, line 30 to col.14, line 30 and col.59, line 50 to col.62, line 38).

*Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.*

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LALITA M. HAMILTON  
PRIMARY EXAMINER